

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ABDUL N. ALI,

Plaintiff,

-v-

8:24-CV-128

JOHN DOW *et al.*,

Defendants.¹

APPEARANCES:

OF COUNSEL:

ABDUL N. ALI
Plaintiff, Pro Se
23-B-4295
Orleans Correctional Facility
3531 Gaines Basin Road
Albion, NY 14411

DAVID N. HURD
United States District Judge

ORDER ON REPORT & RECOMMENDATION

On January 29, 2024, *pro se* plaintiff Abdul N. Ali (“plaintiff”), an inmate in the custody of the New York State Department of Corrections and Community Supervision at Orleans Correctional Facility, filed this action alleging that four St. Lawrence County police officers violated his civil rights

¹ Plaintiff’s amended complaint names a different set of defendants. The Clerk of the Court will be directed to amend the caption accordingly.

when they picked him up on a warrant. *See* Dkt. No. 1. Along with his complaint, plaintiff moved for leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 3–4. Thereafter, plaintiff filed an amended complaint that names a different set of municipal officials. Dkt. No. 6.

On May 29, 2024, U.S. Magistrate Judge Christian F. Hummel granted plaintiff’s IFP Application and advised by Report & Recommendation (“R&R”) that plaintiff’s amended complaint be dismissed without leave to further amend. Dkt. No. 7. As Judge Hummel explained, certain of plaintiff’s federal-law claims were barred by immunity principles while others were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), a Supreme Court doctrine that bars civil rights claims that would necessarily imply the invalidity of an otherwise valid, underlying conviction. *See id.*

Plaintiff has filed objections. Dkt. No. 10. Upon *de novo* review, the R&R is accepted and will be adopted in all respects. *See* 28 U.S.C. § 636(b)(1)(C).

Therefore, it is

ORDERED that

1. The Report & Recommendation (Dkt. No. 7) is ACCEPTED;
2. The Clerk is directed to ADD defendants “Det. Arthor Shattuck,” “Det. John Doe,” “Assistant District Attorney Sarah Carpenter,” “St. Lawrence County District Attorney,” and “Robert Fix, Esq.”;

3. The Clerk is directed to TERMINATE defendants “John Dow,” “John Dow #2,” “John Dow #3,” and “John Dow #4”;

4. Plaintiff’s claims against defendant St. Lawrence County District Attorney and defendant Assistant District Attorney Sarah Carpenter in their official capacities are DISMISSED with prejudice as barred by Eleventh Amendment immunity;

5. Plaintiff’s claims against defendant St. Lawrence County District Attorney and defendant Assistant District Attorney Sarah Carpenter in their individual capacities are DISMISSED with prejudice as barred by absolute prosecutorial immunity;

6. Plaintiff’s false arrest and conspiracy claims against defendant Det. Arthor Shattuck and defendant Det. John Doe are DISMISSED without prejudice but without leave to amend as barred by *Heck v. Humphrey*;

7. Any municipality-liability claim against St. Lawrence County based on the conduct of the named defendants is DISMISSED without prejudice but without leave to amend as barred by *Heck v. Humphrey*;

8. Plaintiff’s federal-law claims against defendant Robert Fix, Esq. are DISMISSED without prejudice but without leave to amend as barred by *Heck v. Humphrey*;

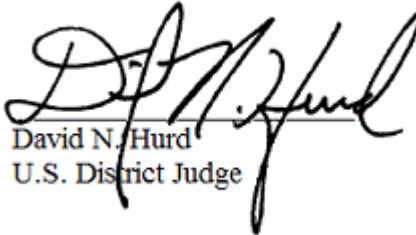
9. The Court DECLINES to exercise supplemental jurisdiction over any state-law malpractice claim against defendant Robert Fix, Esq.; and

10. Insofar as plaintiff may seek habeas corpus relief, that request is DISMISSED without prejudice to bring a separate and appropriate habeas corpus proceeding, but without an opportunity to renew in this proceeding.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.

Dated: July 18, 2024
Utica, New York.



David N. Hurd
U.S. District Judge